

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:07CR87-P-B

WALTER ERNESTO MARTINEZ-CASTILLO,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant's motion for continuance [15-1]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for June 25, 2007. Defense counsel avers that he currently has five trial dates scheduled on June 25, 2007 before the District Judges of the Northern District of Mississippi. Furthermore, defense counsel states that he has had insufficient time in which to work with the Government in this matter regarding discovery, etc.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from June 25, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant's Motion for Continuance [15-1] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, July 30, 2007 at 9:00 a.m. in the United

States Courthouse in Greenville, Mississippi;

(3) The delay from June 25, 2007 to July 30, 2007 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is July 9, 2007; and

(5) The deadline for submitting a plea agreement is July 16, 2007.

SO ORDERED this the 8th day of June, A.D., 2007.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE